

**RESPONSE UNDER 37 CFR 1.116**  
**EXPEDITED PROCEDURE**  
**EXAMINING GROUP 2302**

15  
P.H.  
7-24

S/N 08/390,774

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael W. Morgan

Examiner: D. Pan

Serial # : 08/390,774

Group Art Unit: 2302

Filed : February 17, 1995

Docket: 30293.1US02

**Title : METHOD AND APPARATUS FOR RECOGNIZING AND  
PERFORMING HANDWRITTEN CALCULATIONS**

PETITION UNDER 37 C.F.R. § 1.181

**FAX RECEIVED**

BOX AF  
Assistant Commissioner  
for Patents  
Washington, D.C. 20231

JUL 11 1996

## GROUP 2300

Dear Sir:

This Petition is being submitted in accordance with M.P.E.P. § 706.07(c) to invoke the supervisory authority of the Commissioner under 37 C.F.R. § 1.181 involving an ex parte action in the above-identified patent application that is not subject to appeal and not otherwise provided for.

The Applicant requests a review of the final rejection in the above-identified patent application. In a Request for Reconsideration under 37 C.F.R. § 1.116 mailed June 11, 1996, the Applicant requested withdrawal of the final rejection made in the Office Action mailed March 14, 1996, on the grounds that the final rejection was premature.

The Applicant respectfully submits that the request for withdrawal was not addressed by the Examiner in the Advisory

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Action mailed June 20, 1996. However, the Examiner stated, in a telephone interview on July 11, 1996, that the request for withdrawal had, in fact, been addressed in the Advisory Action, and refused to withdraw the final rejection. The Applicant disputes this assertion by the Examiner, and asserts that nowhere in the Advisory Action is a refusal recited nor are the grounds supporting such a refusal set forth.

The Applicant, therefore, requests a definite ruling on his request for withdrawal with reasons provided for the grounds any refusal thereof. Further, the Applicant submits this Petition in response to the verbal refusal made by the Examiner in the telephone interview.

The Applicant respectfully submits that the rejections in the Office Action mailed March 14, 1996, were based on prior art not previously of record (i.e., the Guyon reference) and were directed to claims that were amended (in the responses filed on December 13, 1995 and March 1, 1996) merely to include limitations that should reasonably have been expected to be claimed. The independent claims were amended to clarify the original language therein and to incorporate limitations substantially present in the dependent claims as originally filed in the present application. More specifically, the amendments in the December 13, 1995 response merely clarified the language already in the claims, and the amendments in the March 1, 1996 response merely incorporated language from dependent claims 28 and 37 into the independent claims.

Therefore, the Office Action introduced new grounds for rejection not necessitated by amendment by the Applicant. Consequently, the final rejection was premature, and the Applicant requests withdrawal of the final rejection.

This Petition is being submitted by facsimile, and thus Applicant requests that any required Petition fees be charged to his Attorneys' Deposit Account No. 13-2724. If necessary, please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers and please charge any additional fees or credit any overpayment to Deposit Account No. 13-2724.

Respectfully submitted,

Michael W. Morgan

By his attorneys,

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Dated: July 11, 1996 By: George H. Gates  
George H. Gates  
Reg. No. 33,500

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GROUP 2300

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Time: 11:17 AM

JUL 11 1996

TO: Assistant Commissioner  
for Patents  
Attn: Examiner D. Pan  
Patent Examining Corps  
Facsimile Center  
Washington, D.C. 20231

FROM: George H. Gates GROUP 2300

OUR REF: 30293.1US02  
TELEPHONE: (310) 445-1140

Total pages, including cover letter: 4

**PTO FAX NUMBER 1-703-308-5358**

If you do NOT receive all of the pages, please telephone us at (310) 445-1140, or fax us at (310) 445-9031.

Title of Document Transmitted: Petition Under 37 C.F.R. § 1.181

Applicant: Michael W. Morgan  
Serial No.: 08/390,774  
Filed: February 17, 1995  
Group Art Unit: 2302  
Our Ref. No.: 30293.1US02

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2724.

By: George H. Gates  
Name: George H. Gates  
Reg. No.: 23,500

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Denise Ann Beaubier

Denise Ann Beaubier  
Signature

July 11, 1996  
Date